IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1575 OF 2007

Shri.Laxman Maruti Jadhav. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Amol A. Deshpande, Adv. for the Applicant.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 21st June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.598 of 2006 of Kothrud Police Station, Pune. The said case is under Sections 363, 366 and 376 of IPC.

3. The mother of victim girl Reshma has lodged a complaint wherein she has implicated the present applicant. The statement of Reshma has also been recorded. At the time of the incident Reshma was 17 years old. She has stated that she was in love with the applicant. Both of them had a love

affair. On 2.10.2006 when she met the present applicant, one small boy from their chawl saw them. They apprehended that the boy would go home and tell the parents of Reshma and hence both Reshma and the applicant decided to ran away. The complaint came to be lodged by the mother of Reshma. Pursuant to the said complaint Reshma and the applicant came to be traced and the applicant came to be arrested. As Reshma was 17 years of age at the time of the incident and her statement clearly shows that sexual intercourse had taken place with her consent, offence under Section 376 cannot be said to be made out against the applicant.

4. As far as Sections 363 and 366 are concerned, no doubt Reshma was below 18 years of age. However, her statement and the material on record shows that she was very much aware of the nature and consequences of her act. She herself decided to ran away with the applicant on account of fear of what would transpire when her family members came to know that she was seen talking to the applicant.

5. Looking to all these facts, I am inclined to grant bail to the applicant.

6. The applicant - Laxman Maruti Jadhav to be released on bail in the sum of Rs.10,000/- with one or two sureties to make up the said amount. The applicant shall report to Kothrud Police Station, Pune once in a week, till conclusion of the trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)